

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES OF AMERICA,**

Plaintiff and Respondent,

v.

**MICHAEL SINGLETARY,**

Defendant and Petitioner.

Case No. 12-cr-0798-YGR

ORDER EXTENDING DEADLINE FOR  
PETITIONER'S REPLY TO MARCH 11, 2016

Re: Dkt. No. 73

In the Court's August 28, 2015 Order, the Court set deadlines for the Government to file a response brief by October 9, 2015, addressing Petitioner Michael Singletary's claim that his counsel failed to file a notice of appeal despite Petitioner's request to do so. The order set Petitioner's deadline to file any reply to the Government's response by November 9, 2015. (Dkt. No. 87).


The Government filed its response brief and exhibits on October 8, 2015. (Dkt. No. 89.) However, the Government did not submit a proof of service of the response on Petitioner until February 5, 2016. (Dkt. No. 90.) For this reason, the Court **ORDERS** that Petitioner's deadline to file any reply is **EXTENDED TO March 11, 2016**.

The Court notes that it has reviewed the petition, the Government's response, and the substantive declaration from Petitioner's former attorney, Kenneth Wine, regarding Petitioner's allegations of ineffective assistance of counsel for failure to file an appeal. Based on that review, and the evidentiary record before it, the Court is presently inclined to deny Petitioner's Section 2255 motion on its merits without the necessity of an evidentiary hearing.

Petitioner may file a reply, including a declaration stating the facts in support of his allegations of ineffective assistance of counsel due to Wine's failure to file an appeal. Absent a timely reply, the Court will deny the Section 2255 motion.

**IT IS SO ORDERED.**

Dated: February 5, 2016

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE